

U.S. Application No. 10/614,105

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The Applicants request reconsideration of the rejection.

Claims 1-5 and 7-9 remain pending.

The Applicants submitted an Information Disclosure Statement and Form PTO-1449 on July 8, 2003. However, the Applicants have not received an initialed Form PTO-1449 from the Examiner acknowledging his consideration of the reference, which is discussed in the present specification. The Applicants respectfully request that the Examiner include an Initialed Form PTO-1449 with the next Patent Office communication. A copy of the Form PTO-1449 filed on July 8, 2003 is attached for the Examiner's convenience.

In the August 23, 2006 Office Action, the Examiner has checked the box acknowledging the Applicants' claim for priority, and has checked the box that "some" of the priority documents have been received. The Applicants claim priority only from JP 2002-200724, a certified copy of which was filed concurrently with the application. Therefore, the Applicants respectfully request that the Examiner acknowledge that all of the priority documents have been filed.

Claim 9 was found objectionable under 37 CFR 1.75(c) as being of improper dependent form. The above-amended claim 9 is believed to be of proper dependent form, and thus the Applicants request reconsideration.

Claims 5-7 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. In reply, the Applicants note that remaining claims 5 and 7 have been amended to remove the language deemed objectionable. No admission as to the propriety of the rejection should be inferred.

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Claims 3-7 and 10-11 were rejected under 35 USC 112, second paragraph, as being indefinite. The claims have been amended to address the Examiner's concerns.

Claims 1-3, 5, and 8-12 were rejected under 35 USC 102(b) as being unpatentable over Umetsu, et al., US 5,051,238 (Umetsu). Claims 4 and 6-7 were rejected under 35 USC 103(a) as being unpatentable over Umetsu in view of Ginsberg, et al., US 4,276,051 (Ginsberg). The Applicants traverse as follows.

As amended, independent claim 1 requires at least two reagent dispensing probes to be arranged to suck reagents from reagent containers on reagent disks, and to inject the reagents into the same reaction cell at the same dispensing position. Umetsu, on the other hand, teaches only to use one reagent probe to deliver a reagent, and thus is not coextensive with the scope of amended claim 1.

In addition, the Applicants note that the typical analyzer adds a first reagent to a sample for starting a reaction, and a second reagent is added some time later at a position different from that of the first reagent addition. In this regard, the secondary reference to Ginsberg is relevant. Ginsberg, however, also does not teach that the reagents are added into the same reaction cell at the same dispensing position. Therefore, claim 1 is patentable.

In addition to the efficiency of the arrangement claimed in claim 1, a noteworthy advantage is that analysis can continue even in the event of a breakdown involving one of the plural reagent disks, by using the other reagent disk and the other reagent dispensing probe. See the present specification, for example, at page 21, lines 3-9, wherein reagent containers are described at a double circle on the reagent disk 41 (and, similarly, on reagent disk 42).

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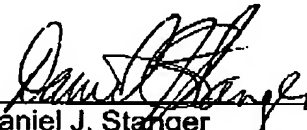
The remaining claims are each dependent upon claim 1, and thus inherit its patentable features. Accordingly, further discussion of the dependent claims will be omitted at this time, for brevity.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-187).

Respectfully submitted,

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